

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

FEASTER, *et al.*

Serial No.: 10/763,339

Filed: 26 January 2004

For: ASSAY FOR DETECTING, MEASURING AND
MONITORING THE ACTIVITIES AND
CONCENTRATIONS OF PROTEINS AND METHODS OF
USE THEREOF

Art Unit: 1655

Examiner: Shen, Bin

Atty. Dckt: 034047.003.1 (00-23)

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Mail Stop: Amendment

Dear Sir:

This is in response to the Restriction Requirement mailed Office action mailed 12 May 2006, wherein the Examiner required a restriction of claims 29-36, 38 and 39 in the above-referenced patent application. Time for response is set to expire 12 June 2006. Reconsideration and entry of the following amendment are respectfully requested.

Remarks begin on page 2 of this paper.

REMARKS

The Office action mailed 12 May 2006, has been received and its contents carefully noted. Reconsideration in view of the following remarks is respectfully requested.

Restriction Requirement

In the Office action mailed 12 May 2006, the Examiner required a restriction as follows:

- I. Claims 29, 30, 35, 38 and 39 drawn to a device
- II. Claims 31-34 drawn to a kit
- III. Claim 36 drawn to a database

The Examiner deemed that the inventions of Groups I through III are distinct and unrelated to each other.

Applicants hereby elect to prosecute the claims of Invention I (claims 29, 30, 35, 38 and 39), with traverse.

Applicants respectfully submit that the claims of Inventions II and III are dependent on the claims of Invention I. Thus, it would not be an undue burden to search and consider the claims of II and III. Specifically, one need only search the device of Invention I, because the claims of Inventions II and III depend on the device of Invention I. Should the device of Invention I be free of the prior art, so should Inventions II and III.

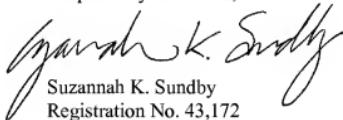
Applicants also reserve the right to pursue any canceled or withdrawn claims in a continuing application without prejudice or disclaimer.

CONCLUSION

This election is made without prejudice to or disclaimer of the other claims or inventions disclosed. Applicants reserve the right to file one or more divisional applications to the non-elected groups. Accordingly, reconsideration and withdrawal of the Restriction Requirement, and consideration and allowance of all pending claims, are respectfully requested.

It is not believed that extensions of time are required, beyond those that may otherwise be provided for in accompanying documents. However, in the event that additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. §1.136(a), and any fees required therefor are hereby authorized to be charged to our **Deposit Account No. 210-380**, Attorney Docket No. **034047.003.1 (00-23)**.

Respectfully submitted,



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Date: 31 May 2006

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